

The President decided that debate on the resolution was out of order, on a question of a division of the House.

Mr. Hill appealed from the decision of the chair; and the question being taken thereon, the decision of the President was sustained.

A bill for the relief of John C. Caddel; read second time, and, on motion of Mr. Taylor, referred to the committee on Finance.

Resolution of the Senate, requiring the committee on the Judiciary to inquire into the expediency of passing a law to be submitted to the people to prohibit the retailing of ardent spirits, &c.—read.

Mr. Wilson moved to amend the resolution, by striking out "Judiciary," and inserting "Internal Improvements"—lost. The resolution was then adopted.

A bill changing the southern boundary of Williamson county; read third time and passed.

A bill to incorporate the Texas Central Railroad company; read second time, and, on motion of Mr. Reaves, referred to the committee on Internal Improvements.

A bill supplementary to an act relating to lands in Peiers' Colony; read second time, and, on motion of Mr. Bogart, referred to the committee on the Judiciary.

A bill granting one third league of land to William Windgate; read second time, and referred to the committee on Public Lands.

A bill for the relief of Joab B. Harrell; read second time, and referred to the committee on Finance.

On motion of Mr. Day, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, January 19, 1852.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Fontaine—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Day presented the petition of G. W. Crawford; referred to the committee on Public Debt.

Mr. Ford presented the petition of the heirs of J. F. Ailes, deceased; referred to the committee on Public Debt.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered the resolution

relative to the classification of the Senators. The Constitution requires this to be done, and makes no exception in case of a new apportionment, although in such case it would seem practically unnecessary. At the last session this was omitted by the Senate, under the belief that an apportionment law would be passed, and the omission has been assigned as a cause for the call of this Executive session.

The committee have no apprehension that a similar case will occur in regard to an apportionment bill; but from abundant caution, recommend that the Senate adopt the resolution amended.

P. W. GRAY, Chairman.

Resolved, That the Senate proceed to divide its members by lot, into two classes forthwith.

Mr. Gray, from the same committee, reported back a bill to repeal a joint resolution for the punishment of vagrants, approved January 10, 1839, and recommended its passage.

Mr. Gray, from the same committee, reported back a bill in relation to capital punishment, and recommended its passage with the following amendment—viz: strike out "punishment," and insert "pardons."

Mr. Miller, from the committee on the Judiciary, made the following report:

The committee on the Judiciary to which was referred a resolution instructing your committee to enquire into the expediency of amending the tax laws of the State, so as to make it lawful for Assessors and Collectors to advertise, giving the taxable inhabitants of their respective counties notice to meet them at certain times and places, and give in a list of their taxable property, &c., have had the same under consideration, and unanimously instruct me to report that they deem the proposed amendment inexpedient. The law proposed was once tried by the Republic of Texas, and found to be uncongenial with the habits and genius of our citizens, who rather pay the officers in the shape of commissions, and consequently increased taxation, to attend them, than to be compelled to attend the officer, all of which is respectfully submitted.

Mr. Miller, from the committee on Education, to which was referred a bill to incorporate Woodlawn Academy, reported the same back to the Senate, and recommended its passage.

Mr. Reaves, from the committee on Education, reported back a bill to incorporate the Cold Spring Female Institute, and recommended its passage with the following amendment: strike out the 8th section.

Mr. Bogart, chairman of the committee on Counties and

County Boundaries, reported back a bill supplementary to an act to incorporate the town of Jasper, and recommended its passage.

Mr. Wilson, from the committee on the Judiciary, reported back a bill to incorporate the town of Seguin, and recommended its passage.

Mr. Armstrong, from the committee on the Judiciary, to which was referred a bill to prevent stallions from running at large, reported it back, and recommended that it be laid on the table.

Mr. Davis, chairman of the committee on State Affairs, to which was referred a bill to facilitate the operations of persons engaged in the United States Coast Survey, in the State of Texas, under proper restrictions, reported the same back, and recommended its passage.

Mr. Armstrong, from the committee on the Judiciary, made the following report:

The committee on the Judiciary, to which was referred the petition of Ervin M. Wilder, have considered the same, and believe that any law that could be passed in compliance with said petition, would, in all probability, conflict with private rights, and cannot recommend it to the favorable consideration of the Senate, and request that it be laid on the table.

Mr. Armstrong, from the committee on the Judiciary, reported back to the Senate a bill supplementary to an act regulating fees of office, and recommend its passage.

Mr. Duggan, from the committee on Education, to which was referred a bill to incorporate the Texas Orphan Asylum; reported a substitute therefor, and recommended its adoption and passage.

Mr. Truit, chairman of the committee on Roads, Bridges and Ferries, to which was referred the petition of Wm. J. Jones, reported the following bill:

A bill to incorporate the Galveston Steam Ferry, Freight and Tow Boat company; read first time.

Mr. Taylor made the following report:

The committee whose duty, under resolution of the Senate, it was to report a bill apportioning the Senators and Representatives among the several counties, have found it very difficult to frame a bill in accordance with the Constitution; this being almost, if not entirely impossible, from the formation of so many new counties, and the variableness of their population; the committee do not pretend to say that they have in all cases been able to fulfil the requirements of the Constitution as respects the old and new counties, they have however endeavored in all cases to make the representation as equal as the circumstances would permit. That inequalities do exist in the bill which we here-

with submit, for the consideration of the Senate, we admit; and at the same time deny, that a bill equal in all its bearings can be made; we hope, however, that the Senate may be able to remove many inequalities which the committee were not able to do, all of which is respectfully submitted.

M. D. K. TAYLOR, Chairman.

A bill to apportion the Senators and Representatives of the Legislature among the several counties of the State; read first time.

Mr. Wilson, from the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered a bill concerning proceedings in county courts, pertaining to estates of deceased persons, and find the same to relate exclusively to fees of office. The committee are of opinion that the passage of the bill is entirely unnecessary, and they refer to section 1379, Hart. Dig., where full provision is made for the protection of the officers, sought to be benefitted by the passage of said bill; I am therefore instructed to report said bill back to the Senate, and recommend that it be indefinitely postponed.

Mr. Reaves presented the petition of David O. Norton, and others; referred to the committee on the Militia.

Mr. Hill offered the following resolution:

Resolved, That the Commissioner of the General Land Office be requested to furnish the Senate with a plat or map showing the boundaries and relative position of Austin's second colony, the colony of Austin and William's, and De Witt's colony; also, the variations, if any, in the boundaries of Robertson's or the Nashville colony, from those of the colony of Austin and Williams, accompanied by notes explanatory thereof.

On motion of Mr. Wilson, the rule was suspended and resolution adopted.

Mr. Scott offered the following resolution:

Resolved, That the Judiciary committee be requested to consider the propriety of amending the amendments to the constitution, so as to grant power or authority to the Governor of the State to fill any vacancy in the office of District Judge that may occur by death or resignation, by appointment, until an election may be held and the officer elected and qualified, and report by bill or otherwise.

And also to provide by law for a special presiding judge, for the trial of any case wherein the district judge is for any cause disqualified, and where one of the parties in the case or suit does fail or refuse to select a special judge for such purpose.

On motion of Mr. Taylor, the rule was suspended and resolution adopted.

Mr. Gray introduced a bill concerning writs of error; and,

A bill to amend the 34th and 64th section of an act to organize Justices' courts and to define the powers and jurisdiction of the same; approved March 20, 1848; which were read a first time.

Mr. Grimes introduced a bill to encourage the construction of telegraphic wires from the Atlantic to the Pacific coast; read first time.

On motion of Mr. Scott, the bill to apportion the Senators and Representatives of the Legislature, among the several counties of the State was ordered to be printed.

ORDERS OF THE DAY.

The report of the committee on Public Debt on a bill making further provisions for the payment of the debt of the late Republic of Texas, asking to be discharged from its further consideration; was read, and Mr. Dancy moved to lay the report on the table—lost.

The report was then adopted by the following vote:

YEAS—Messrs. Armstrong, Bogart, Burks, Dancy, Davis, Duggan, Eddy, Gray, Hill, Meusebach, Miller, Parker, Reaves, Scott, Taylor, Trust and Wilson—17.

NAYS—Messrs. Bigelow, Day, Ford, Grimes and Potter—5.

On motion of Mr. Hill the bill was then indefinitely postponed.

A message was received from the House informing the Senate that the House had passed the following bills—viz:

A bill to authorize the county court of Comal county, to levy and collect a special tax;

A bill supplementary to an act to establish and incorporate the Marshall University, and to change the name thereof to Van Zandt College;

A bill repealing the 2nd section of an act passed on the 10th day of February, 1852, changing the names of Antoinette Scott and Sidney Way, to that of Devereux; and,

A bill to create the county of Madison.

Mr. Armstrong moved to reconsider the vote which refused to reconsider the vote which rejected joint resolution for the relief of William H. Kinney. The President decided the motion out of order.

Mr. Wilson moved to reconsider the vote which rejected the bill to permit Harriet Newell Sands and her children to remain in Texas.

On motion of Mr. Taylor, the motion was laid on the table.

Mr. Reaves, chairman of the committee on engrossed bills, reported, as correctly engrossed, the following bills—viz:

A bill for the relief of John White;

A bill for the relief of Jim Shaw, a Delaware Indian; and

A joint resolution providing for the removal of the remains of the late Stephen F. Austin, for interment in the State burial ground at the city of Austin.

A bill concerning certain lands in Austin's second colony, and the colony of Austin and Williams; read second time, and on motion of Mr. Daney, referred to the committee on the Judiciary.

A bill to incorporate the Jefferson and Western Plank Road company; read second time; and on motion of Mr. Taylor, referred to the committee on Internal Improvements.

A bill to incorporate the Jefferson and Tyler Plank Road company; read second time, and on motion of Mr. Taylor, referred to the committee on Internal Improvements.

A bill to amend an act incorporating the Buffalo Bayou, Brazos and Colorado Railway company; read second time, and on motion of Mr. Gray, referred to the committee on Internal Improvements.

Mr. Miller moved to suspend the rule which prohibits the reconsideration of a vote to reconsider.

On motion of Mr. Wilson, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, January 20, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Fontaine—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Williams presented the petition of George W. Wright; referred to the committee on Claims and Accounts.

Mr. Eddy, from the committee on Internal Improvements, reported back a bill to amend an act incorporating the Buffalo Bayou, Brazos and Colorado Railway company, with amendments, and recommended their adoption and the passage of the bill.

Mr. Fruit, chairman of the committee on Roads, Bridges and Ferries, to which were referred a bill to incorporate the Trinity Turnpike company, and a bill to amend the road law, reported the same back, and recommended their passage.

Mr. Taylor, chairman of the committee on Private Land